

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ePLUS, INC.,)	
)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 3:09-cv-620
)	
LAWSON SOFTWARE, INC.)	
)	
)	
Defendant.)	

**DEFENDANT LAWSON SOFTWARE, INC.'S OBJECTIONS TO PLAINTIFF'S
DEPOSITION DESIGNATIONS AND SUMMARIES**

Henrik Billgren

Plaintiff's Designations	Lawson's Objections	Lawson's Summary
204:21-205:2; 205:10-16; 206:21-209:13; 209:21-210:14; 211:7-212:21; 214:17-215:6; 215:11-217:13; 217:22-218:6	401/402; 403	Testimony relates to exhibit that is not relevant and to the extent relevant has a tendency to confuse the jury (relates to a customer not in the US)
218:9-12, 17-21; 219:10-220-12	602; 901	Exhibit lacks foundation (witness testified he was not familiar with the document or who created the document)

6:18-25 55:17-55:21 56:4-6 56:18-57:12 64:13-66:17 76:18-21 77:4-77:18 100:5-100:9 100:14-101:2 101:5-101:13 105:18-105:22 106:5-106:21 115:15-115:19 116:2-116:10 118:8-118:11 125:18-125:22 126:5-127:11 127:18-127:22 128:6-128:14 139:1-139:5 147:4-147:7 163:9-164:8 166:18-166:21 167:4-167:9 196:6-196:14 204:21-205:2 205:10-205:16 206:21-208:2 208:10-209:13 209:21-210:14 214:17-215:6 215:11-217:13 217:22-218:6 218:9-218:12	Lack of Summary	See 03/15/10 Scheduling Order Sec. V(B)(2).
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Dale Christopherson (10/19/09)

Plaintiff's Designations	Lawson's Objections	Lawson's Summary
68:4-69:6; 70:5-71:6	401/402; 403	Lawson's subscription to industry reports is not relevant; to the extent it is, it confuses the jury that a mere subscription would provide notice of ePlus
77:1-10	401/402; 403; MIL	ePlus's prior litigations are not relevant; any testimony would tend to confuse the

Plaintiff's Designations	Lawson's Objections	Lawson's Summary
		jury; the testimony relates to a motion in limine excluding reference to settlement agreements
105:10-13	407	Testimony seeks subsequent remedial measures
10:8-10:14 57:10-57:18 78:18-78:22 80:4-80:17 81:10-81:17 143:21-144:2 149:6-149:17 167:19-168:1 172:22-174:9 174:22-176:14 192:3-192:6 195:21-196:13 198:17-199:8 200:5-201:2 208:5-208:13 219:2-219:20 221:6-221:16 222:7-222:13 224:12-225:10 229:8-230:5 232:19-233:15 251:4-252:14 252:20-253:2 261:1-262:9 265:14-266:12 268:21-269:2 270:5-270:7 280:3-280:6 285:17-287:4 291:4-291:19	Lack of Summary	See 03/15/10 Scheduling Order Sec. V(B)(2).

Dale Christopherson (10/20/10)

Plaintiff's Designations	Lawson's Objections	Lawson's Summary
330:21-331:3 331:14-331:17 356:13-356:19	Lack of Summary	See 03/15/10 Scheduling Order Sec. V(B)(2).

357:12-357:18 358:4-358:7 372:2-372:7		
51:6-21	401/402; 403; MIL	Improper reference to SAP and Ariba litigation

Hannah Raleigh

Plaintiff's Designations	Lawson's Objections	Lawson's Summary
38:18-39:9; 41:12-20; 43:4-7; 43:15-45:11	Outside the scope of 30(b)(6) designation	The witness was not designated to discuss revenues (see objections at 38:11-13 and 40:23-41:3)
68:22-24	401/402; 403	Whether RFP responses go through legal review is not relevant and tends to confuse the jury as to whether review is necessary
77:11-16, 21-24	Outside the scope of 30(b)(6) designation	The question was phrased for individual knowledge
102:12-15; 10220-105:6	401/402; 403	The question goes outside the scope of the accused products; any combination of non-accused products is likely to confuse the jury
111:10-114:17; 115:5-116:14	602; 901; 403	Witness was not familiar with the document; document was for limited internal use and would tend to confuse the jury related to scope of document
116:18-123:6	602; 901; 403	Witness was not familiar with the document; witness further testified the document includes methodology that does not happen
158:11-159:11; 161:8-162:9; 163:10-168:19; 171:19-172:22	602; 901; 403	Witness testified she was not familiar with exhibit
221:1-222:11	Outside the scope of the 30(b)(6) designation	The witness was not designated to discuss revenues (see objections at 38:11-13 and 40:23-41:3)
6:7-6:13 14:15-14:23 15:8-15:17 17:14-18:8 47:5-47:9 55:19-55:22 56:1-56:4 64:7-64:16 68:22-68:24	Lack of Summary	See 03/15/10 Scheduling Order Sec. V(B)(2).

109:6-109:9 111:10-116:14 116:18-118:18 128:3-128:13 128:19-129:5 129:9-129:12 129:20-130:1 130:8-131:7 134:25-135:21 136:1-142:10 181:7-181:24 182:3-182:18 197:25-198:11 198:17-202:22 204:13-206:2 206:16-206:18 206:20-209:3 209:21-212:10 213:25-215:7		
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Todd Dooner

Plaintiff's Designations	Lawson's Objections	Lawson's Summary
239:14-17	401/402; 403	Vague and ambiguous as to "ability to conduct searches for items that match a search query"
20-22; 240:2	401/402; 403	Vague and ambiguous as to "data resulting from a search query"
240:4-12, 15-18	401/402; 403	Vague and ambiguous, as to "the ability to process a requisition and generate one or more purchase orders"; compound
240:20-21; 241:2	401/402; 403	Vague and ambiguous as to "at least two product catalogs"
240:11-14	401/402; 403	Vague and ambiguous as to "load vendor item data"
250:14-254:6	801; 403	Document is hearsay; only use would be to confuse jury
8:8-8:13 35:22-36:13 39:3-39:8 67:15-67:19 165:13-166:10 272:17-273:8 284:16-287:12	Lack of Summary	See 03/15/10 Scheduling Order Sec. V(B)(2).

288:7-288:16		
289:2-289:11		
289:17-290:14		
291:8-291:13		
292:11-292:14		
293:4-293:20		
294:9-295:4		
295:19-296:21		
297:17-298:21		
313:2-314:17		
315:6-315:8		
316:17-317:3		
317:8-317:19		
318:5-318:17		
319:17-320:3		
320:19-321:16		
322:8-322:11		
323:2-323:22		
325:1-325:18		
326:3326:17		
327:19-329:19		
330:2-333:6		
336:1-336:13		
336:18-336:20		
339:17-340:4		
341:6-341:10		
345:5-345:7		
348:2-348:5		
355:4-355:7		
355:12-355:18		
356:4-356:13		
359:4-360:16		
365:12-365:19		
367:14-368:22		
369:10-370:8		
370:14-370:17		
372:1-372:4		
376:14-377:3		
377:7-377:15		
381:5-381:19		
406:3-408:1		

Jeffrey Frank

Lawson objects to the designation of Jeffrey Frank to the extent ePlus relies on that testimony as a testimony of Lawson Software, Inc. Mr. Frank was not designated as a 30(b)(6) deponent for any topic.

Plaintiff's Designations	Lawson's Objections	Lawson's Summary
30:7-10	401/402; 403; MIL	Lawson's competition with Ariba is not relevant and would only tend to confuse the jury; the testimony relates to a motion in limine excluding reference to settlement agreements
49:9-20; 50:12-20	401/402; 403	Whether Lawson's website goes through legal review is not relevant and tends to confuse the jury as to whether review is necessary
53:11-14	401/402; 403	Whether Lawson's marketing materials (responses to RFPs and brochures) goes through legal review is not relevant and tends to confuse the jury as to whether review is necessary
74:22-76:14; 77:5-9	403	Testimony of employee laptop demos will tend to confuse the jury with respect to functionality of ePlus content on demonstration laptop
148:4-11	401/402; 403	Whether Lawson's marketing materials goes through legal review is not relevant and tends to confuse the jury as to whether review is necessary
227:16-228:13; 229:5-230:4, 9-16	801; 901; 403	The document is not authenticated, contains hearsay, and contains dollar figures that relate to products not in suit, which will confuse the jury
9:9-9:15 35:2-36:1 36:19-36:22 38:13-38:21 46:16-47:14 50:12-52:3 109:19-110:14 111:5-111:8 111:19-112:6 125:1-125:15 152:1-153:9	Lack of Summary	See 03/15/10 Scheduling Order Sec. V(B)(2).

Plaintiff's Designations	Lawson's Objections	Lawson's Summary
168:9-168:15 227:16-228:13 229:5-230:4 230:9-230:16		

Guenther Tolkmitt

Plaintiff's Designations	Lawson's Objections	Lawson's Summary
175:10-12	407	Testimony seeks subsequent remedial measures
227:1-6	407	Testimony seeks subsequent remedial measures
51:16-55:10 175:22-176:5 176:18-176:22 177:4-177:15 189:8-190:2 227:1-227:6	Lack of Summary	See 03/15/10 Scheduling Order Sec. V(B)(2).

Vicky Williams and William Yuhasz (Novant)

Plaintiff's Designations	Lawson's Objections	Lawson's Summary
63:6-25	401/402; 403	Document is created by Novant; will confuse jury as to functions added by Novant not associated with Lawson
68:4-70:25	401/402; 403	Document created by Novant; will confuse jury as to functions added by Novant not associated with Lawson
99:25-101:13	602; 901; 403	Witness not familiar with exhibit; testimony is based on document to which witness has no personal knowledge
45:12-45:13 45:15-45:16 45:18-45:24 46:9-46:22 47:3-47:17 49:1-49:25 53:1-53:9 56:15-56:20 56:24-57:20 63:6-63:25	Lack of Summary	See 03/15/10 Scheduling Order Sec. V(B)(2).

90:17-90:23 91:5-91:8 91:16-91:20 99:25-101:13 122:2-122:19 137:23-137:25 138:15-138:17 172:15-172:21 173:8		
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Dean Hager

Lawson objects to the designation of Dean Hager to the extent ePlus relies on that testimony as a testimony of Lawson Software, Inc. Mr. Hager was not designated as a 30(b)(6) deponent for any topic.

Plaintiff's Designations	Lawson's Objections	Lawson's Summary
105:3-105:12; 108:9-109:5; 109:20-112:9; 113:22-115:3; 115:22-116:9	602; 901	Witness had not seen the document
126:2-126:12; 128:9-129:3; 129:12-131:6	602; 901	Witness had not seen the document

Keith Lohkamp (10/20/09 and 10/21/09)

Plaintiff's Designations	Lawson's Objections	Lawson's Summary
66:17-21; 67:11-14; 67:19-68:2; 72:5-7; 78:8-15; 72:16-73:3; 73:4-7; 74:7-17; 75:4-8; 96:15-17; 97:8-13; 74:18-21; 75:12-15	Outside the scope of 30(b)(6) designation	The witness was not designated to discuss knowledge of the Ariba lawsuit or knowledge of ePlus. (<i>See</i> 251:8-252:13 (witness designated to discuss topics 1, 2, 3, 5, 6 & 7 of ePlus's First Deposition Notice and topics 17 & 18 of ePlus's Second Deposition Notice; witness was not designated to discuss topics 10-12 of ePlus's Second Deposition Notice).)
109:5-11	401/402; 403; 901	Whether Lawson's website goes through legal review is not relevant and tends to confuse the jury as to whether review is

		necessary; no foundation for question
131:2-4	401/402, 403	Vague as to “punchout capabilities” and “overall Lawson procurement application.”
161:1-166:8	602; 901	Witness not working at Lawson at time of document
227:18-228:14	602; 901	Witness had not seen the document
184:1-13 185:1-15 209:9-17 212:4-213:9 229:2-10 236:17-239:22 256:1-5 264:21-265:11 268:4-5 268:10-13 268:18-22 352:6-356:1 359:20-360:1 360:7-11 360:14-16 363:14-16 363:18-364:14 421:8-422:1 428:3-9 428:11	Lack of Summary	See 03/15/10 Scheduling Order Sec. V(B)(2).
75:12-15	401/402; 403; MIL	Improper reference to SAP and Ariba litigation
361:20-363:1 363:14-364:11	407	Improper reference to project on hold

Robert Schriesheim

Lawson objects to the designation of Robert Schriesheim to the extent ePlus relies on that testimony as a testimony of Lawson Software, Inc. Mr. Schriesheim was not designated as a 30(b)(6) deponent for any topic.

Plaintiff's Designations	Lawson's Objections	Lawson's Summary
104:1-10	401/402; 403; MIL	Improper reference to SAP and Ariba litigation

Lynn Cimino

Plaintiff's Designations	Lawson's Objections	Lawson's Summary
29:20-30:4 33:19-34:8 36:6-37:2 63:24-64:16 66:19-67:9 68:17-68:25 72:23-73:14 77:5-77:7 78:20-79:3 81:14-82:8 83:18-83:23 84:13-84:16 86:19-87:15 89:2-89:16 152:19-153:2	See 03/15/10 Scheduling Order Sec. V(B)(2).	Lack of Summary

Robert Irwin

Plaintiff's Designations	Lawson's Objections	Lawson's Summary
22:12-23:4 35:9-35:11 35:14-35:20 36:1-37:21 38:4-38:25 39:6-39:11 51:16-51:21 54:17-54:19 54:25-55:5 65:5-65:8 65:25-66:8 66:13-66:21	Lack of Summary	See 03/15/10 Scheduling Order Sec. V(B)(2).

Manuel Matias

Plaintiff's Designations	Lawson's Objections	Lawson's Summary
25:18-26:22 26:24-27:17 28:12-28:21 29:20-30:15 47:10-47:12	Lack of Summary	See 03/15/10 Scheduling Order Sec. V(B)(2).

Kristy Oliver

Plaintiff's Designations	Lawson's Objections	Lawson's Summary
9:16-10:1 74:3-79:15	Lack of Summary	See 03/15/10 Scheduling Order Sec. V(B)(2).

Ken White (10/26/09)

Plaintiff's Designations	Lawson's Objections	Lawson's Summary
37:18-39:3	401/402; 403	It is not relevant who told Mr. White to pull the SKUs and it is prejudicial to suggest that it was Lawson employees who selected the SKUs
176:9-176:21 215:1-218:12	Lack of Summary	See 03/15/10 Scheduling Order Sec. V(B)(2).

Ken White (04/21/10)

Plaintiff's Designations	Lawson's Objections	Lawson's Summary
201:4-203:11	Lack of Summary	See 03/15/10 Scheduling Order Sec. V(B)(2).

LAWSON SOFTWARE, INC.

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CERTIFICATE OF SERVICE

I certify that on this 11th day of August, 2010, a true copy of the foregoing will be filed electronically with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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